

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
)	
Millennium Telcom, LLC d/b/a OneSource Communications)	CS Docket No. 97-80
)	
Emergency Petition for Waiver of 47 C.F.R. § 76.1204(a)(1))	CSR-7129-Z
)	
To: Chief, Media Bureau)	



COMMENTS

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I. Introduction and Summary

ACA submits these Comments in support of Millennium Telecom, LLC's d/b/a OneSource Communications ("OneSource"), Emergency Petition for Waiver of 47 C.F.R. § 76.1204(a)(1). In accordance with the Media Bureau's recent Memorandum Opinion and Order on Bend Broadband's waiver request ("*Bend Broadband Order*"),¹ OneSource requests a short-term waiver to allow it to continue to deploy integrated low-cost set top boxes until it completes its all-digital conversion later this year.

The Commission should grant the Petition on an expedited basis. ACA supports a streamlined and expedited approval process for those wanting to commit to such conditions.

American Cable Association. ACA represents nearly 1,100 independent cable companies that serve more than 8 million cable subscribers, primarily in smaller markets and rural areas. ACA member systems are located in all 50 states and in virtually every congressional district. The companies range from family-run cable businesses serving a single town to multiple-system operators that focus on serving smaller markets. More than half of ACA's members serve fewer than 1,000 subscribers. All ACA members face the challenges of upgrading and operating broadband networks in lower-density markets.

¹ *In the Matter of Bend Cable Communications, LLC d/b/a BendBroadband, Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules, Memorandum Opinion and Order*, CSR-7057-Z, CS 97-80, DA 07-47, ¶¶24-26 (rel. Jan. 10, 2007). ("*Bend Broadband Order*").

II. OneSource has demonstrated good cause for the granting of the waiver.

In the *Bend Broadband Order*, the Commission found Bend Broadband's plan to migrate to an all-digital network by 2008 sufficient to show good cause for a waiver of 47 C.F.R. § 76.1204(a)(1) and granted Bend a conditional waiver contingent upon Bend's compliance with three specific commitments:

- The filing of a sworn declaration committing to move to an all-digital network by 2008;
- Notifying all analog customers at least 6 months in advance of the move to all-digital and submitting an affidavit to the Commission that such notice has been given; and
- Having adequate inventory on hand or on order at least six months prior to the move to all-digital and submitting an affidavit to the Commission confirming such.²

OneSource likewise commits to going all-digital by December 31, 2007.³

OneSource also states that if the Commission grants the waiver, it will:

- Notify all of its analog customers of its plans to go all-digital in an insert in the first subscriber bill issued after the Commission's grant of the waiver;
- Submit a sworn declaration to the Commission confirming that such notice has been provided;
- Ensure that, as soon as possible following the grant of the waiver, it has inventory or has placed orders for enough set-top boxes to ensure that each of its customers can continue to view its video programming on analog television sets; and

² *BendBroadband Order*, ¶ 27.

³ *In the Matter of Millennium Telecom, LLC d/b/a OneSource Communications Emergency Petition for Waiver of 47 C.F.R. §76.1204(a)(1)*, CS Docket No. 97-80, CSR-7129-Z, at 4 (filed Feb. 26, 2007); Affidavit of Andy Slote ("*Slote Affidavit*") (filed Feb. 26, 2007).

- Submit a sworn declaration to the Commission confirming its inventory of set-top boxes.⁴

Consistent with the *Bend Broadband Order*, the Commission should grant OneSource's waiver on an expedited basis.

ACA further supports a streamlined and expedited approval process for those wanting to commit to such conditions. Consistent with the Commission's mandate to increase the availability of digital services to all Americans, such an expedited approval process will increase the digital penetration in the markets where the waiver is sought.


III. Conclusion

OneSource has committed to go all-digital by December 31, 2007, and comply with the conditions imposed in the *Bend Broadband Order*. The Commission should grant the waiver in an expedited manner and streamline the process for those wanting to commit to similar conditions.

⁴ *Slote Affidavit*, ¶ 10.

Respectfully submitted,

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